

REMARKS

Applicant wishes to thank the Examiner for his consideration during the telephone interview of January 10, 2007 and subsequent discussion. Applicant's representative and the Examiner discussed the objection to the claims and new claim 38, which the Examiner believes distinguishes over the cited art.

Claims 1-32 and 38-41 are pending. Applicant has canceled claims 33-37 and added claims 38-41.

The Examiner has objected to claims 10-12 under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and because a multiple dependent claim cannot depend from another multiple dependent claim. The Examiner then refuses to address the merits of whether these claims are anticipated or obvious.

Applicant is perplexed by the Examiner's position. Claims 10 and 11 are multiple dependent claims that recite the "method of claim 7 or 8." Clearly, the "or" is referring to the other claims in the alternative. The Examiner cites to M.P.E.P. § 608.01(n), which clearly indicates that use of "or" is proper. Neither claim 7 nor claim 8 are multiple dependent claims or depend from multiple dependent claims. As such claims 10 and 11 do not impermissibly depend from a multiple dependent claim. Although claim 12 does depend from multiple dependent claim 11, claim 12 is itself not a multiple dependent claim and thus does not impermissibly depend from a multiple dependent claim.

Since the Examiner's objection is without merit, applicant respectfully requests that the Examiner withdraw the finality of this Office Action and issue a new action that addresses the merits of whether these claims are anticipated or obvious so that applicant can address the merits on appeal.

The Examiner has rejected claims 1-3 under 35 U.S.C. § 112, paragraph 2, as being indefinite. The Examiner believes that the phrase "the field based on" of claim 1 does not have proper antecedent basis. Applicant respectfully disagrees. This "field" refers to the same field that is recited in the preamble: "displaying an estimated duration character in a field." (Emphasis added.)

The Examiner has rejected claims 1-32 under 35 U.S.C. § 103(a) as being unpatentable over MS Project in view of @Risk and further in view of Clark. Applicant respectfully disagrees.

As a first matter, applicant would like to point out that the Examiner's basis for rejecting many of the claims is unclear. For example, the Examiner provides a rationale for why it would be obvious to modify MS Project and @Risk to arrive at receiving from a user a duration value string that includes both a duration and an indication that the duration is estimated as recited by claim 1. The Examiner, however, in discussing independent claim 17 simply relies on MS Project as having such a duration value string. (See, Office Action, Dec. 8, 2006, p. 32.) In discussing claim 1, the Examiner concedes that "neither MS Project nor @Risk expressly teach that the project duration value/string comprises an estimated flag as claimed." (Id. at 12.) The Examiner's position is inconsistent. The Examiner cannot rely on MS Project to teach this language of independent claim 17, when the Examiner explicitly states that MS Project does not teach this language when discussing claim 1.

Issue

Whether it would be obvious to modify the combination of MS Project and @Risk to allow "receiving from a user a duration value string including a duration of a project task and a first indication that the duration is estimated" when neither reference teaches or suggests a string that contains both duration and an indication that the duration is estimated.

Claim 17 recites "receiving from a user a duration value string including a duration of a project task and a first indication that the duration is estimated, wherein the duration of the project task is a numerical value of time" and the other claims recite similar language. For example, a user may input a duration value string of "2w?" where the "2w" indicated a duration of two weeks and the "?" is an indication that the duration is estimated.

The Examiner correctly points out that the relied-upon references and/or the taken official notice describe input of duration (e.g., "2w"), input of estimated durations, "enabling user to decide how and/or what information...is to be displayed," and that Boolean variables of a value of either true or false. The Examiner, however, incorrectly reaches the conclusion that the combination of these four points would result in applicant's invention. The Examiner is impermissibly engaging in classic hindsight reconstruction using applicant's specification as a template to piece together the prior art.

Even assuming, *arguendo*, that one would be motivated to modify MS Project based on these four points, there is nothing in the prior art to suggest inputting a "duration value string" that contains a duration and indication that the duration is estimated. There are many different ways to input such information without using the claimed "duration value string." For example, a user interface could display a duration field and an estimated duration checkbox. A user could input the information by entering the duration in the duration field and checking the checkbox as appropriate. As another example, a user interface could display an estimated duration field and an actual duration field. A user could input a duration into either field as appropriate. In both these examples, the user is inputting both a duration in a way that indicates whether the duration is estimated. Neither of these examples, however, include applicant's claimed "duration value string" (e.g., "2w?") that contains both a duration and an indication that the duration is estimated.

Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any

questions, or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

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Respectfully submitted,

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